HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 232/06 (S/S)

Chandra Mohan

vs

State and others.

Approved for reporting

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~~Not approved for reporting~~

Date of decision 28-02-2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Writ Petition No. 232 of 2006(S/S)

Chandra Mohan S/o Sri Pramanand, R/o Village Pali, P.O. Piplidhar Dagar, District Tehri Garhwal.

…. Petitioner.

Versus

1. State of Uttaranchal through Secretary Higher Secondary Educatio, Civil Secretariat Dehradun.
2. Director of Education, Vidyalayi Shiksha Uttaranchal Education Directorate Mayur Vihar, Dehradun.
3. Joint Director of Education, Garhwal Mandal Pauri, District Pauri Garhwal.
4. Principal Government Inter College Jakhi Dagar, District Tehri Garhwal.

….Respondent.

Sri N.S. Negi , learned Counsel for the petitioner.
Learned Standing counsel for respondent.

HON'BLE RAJESH TANDON.J.

28.02.2006.

Heard Sri N.S. Negi, learned counsel for the petitioner and learned Standing counsel for the respondent. Both the parties submitted that the petition may be disposed of at the admission stage.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to consider the candidature of the petitioner on the post of Lecturer (Chemistry) on the

adhoc basis in compliance of the Government Order dated 5-12-2005 and the order dated 16-12-2005.

Briefly stated that in pursuance of the vacancies for the post of lecturer in Government Inter Colleges of Garhwal Region and Kumaun Region in the state of Uttaranchal, applications were invited by the students in the various Government Colleges for appointment of Shiksha Bandhu against the vacant post of Lecturer in pursuance of the Government Order dated 2-7-2001. The said Government Order dated 2-7-2001 is quoted below:

" ’kklu }kjk f’k{k.k l= 2000&01 esa f’k{kdksa dh deh dks n`fIVxr j[krs gq, f’k{kk fe= o f’k{kk cU/kq ;kstuk lacfU/kr f’k{kk l= 2000&01 ds fy;s Lohd`fr iznku fnukWd 1-7-2001 ls f’k{k.k l= 2000&01 izkjEHk gks x;k gSA ‘kklu iwoZ lapkfyr ;kstuk ds vUrxZr f’k{k.k l= 2001&02 esa Hkh mlh dze esa ,rn}kjk foLrkj dh Lohd`fr iznku djrh gSA

ftu O;fDr;ksa dk p;u f’k{kk fe=@f’k{kk cU/kq ;kstuk ds vUrxZr gqvk gS ,oa lafonk oiZ 2000&01 esa izkjEHk gqvk gS] dks iwoZor ,rn}kjk 2001&02 esa Hkh lafonk ds vuq:i dk;Z djus dh vuqefr iznku dh tkrh gSA "

Counsel for the petitioner has submitted that in pursuance of the Government Order dated 2-7-2001

the District Inspector of Schools, Tehri Garhwal directed all the Principals to appoint the candidates as a Shiksha Bandhu who fulfills minimum qualification of Lecturer and a committee was constituted in this regard. According to the case of the petitioner, on a proper selection he was appointed against the vacant post of Lecturer (Chemistry) in the Government Intermediate College Jakhi Dagar on 19-7-2001. The petitioner has worked continuously for three academic session as Shiksha Bandhu. In the mean time the petitioner has also completed his special time the petitioner has grievance of the petitioner is that vide Government Order dated 5-12-2005 the Government is going to appoint Shiksha Bandhu. The Government notification to that effect is quoted below:

" izoDrk lh/kh HkrhZ ds fjDr inksa ds lkis{k dk;Zjr f'k{kk cU/kqvksa dh izoDrk ds inksa ij rnFkZ fu;qfDrA

egksn;]

mi;qZDr foi; ds lUnHkZ esa eq>s ;g dgus dk funsZ'k gqvk gS fd izns'k ds jktdh; bUVj dkystksa esa izoDrk lh/kh HkrhZ ds fjDr inksa ds lkis{k dk;Zjr 555 f'k{kk cU/kqvksa dks lE;d fopkjksijkUr izoDrk ds fjDr inksa ij fuEuor izfrcU/kksa ds v/khu

rnFkZ :i ls fu;qDr fd;s tkus dh Jh jkT;iky egksn; lgiZ Lohd`fr iznku djrs gSa%&

1- f’k{kk cU/kqvksa dks izoDrk ds fjDr inksa ij rnFkZ vk/kkj ij fu;qfDr lEcU/kh dk;Zokgh fu;qfDr izkf/kdkjh }kjk dh tk;sxhA

f’k{kk cU/kqvksa dks izoDrk ds fjDr inksa ij rnFkZ vk/kkj ij fu;qfDr ds fy;s izoDrk ds lsok fu;ekoyh esa mfYyf[krA

2- ‘kSf{kd@izf’k{k.k vgZrk ,oa fu/kkZfjr vk;q lhek vkfn fu/kkZfjr ekudks dks ikyu lqfuf’pr fd;k tk;sxkA

3- f’k{kk cU/kq ds dk;Zdky ds nkSjku budk dk;Z]O;ogkj ,oa ijh{kkQy lurksitud jgk gksA

4- ;fn dksbZ f’k{kk cU/kq lsok fu;ekoyh esa mfYyf[kr fu/kkZfjr vk;q lhek ls vf/kd dk gks x;k rks ml f’k{kk cU/kq dks ml lhek rd vk;q lhek esa NwV iznku dj nh tk;s] ftruh vof/k dh lsok mlds }kjk f’k{kk cU/kq ds :i esa dh x;h gksA

5- vuqlwfpr tkfr@vuqlwfpr tu tkfr ,oa vU; fiNMk oxZ ds vkj{k.k ds cSdykx dh iwfrZ HkfoI; esa gksus okys fjDr inksa ij lh/kh HkrhZ ds ek/;e ls iwjk fd;s tkus dk nkf;Ro fu;qfDr izkf/kdkjh gh gksxkA

6- izoDrk lh/kh HkrhZ ds lkis{k dkjZjr f’k{kk cU/kqvksa dh izoDrk ds in ij rnFkZ fu;qfDr ,d oiZ ;k yksd lsok vk;ksx ls vH;FkhZ miyC/k gksus rd] tks Hkh igys gks] dh vof/k ds fy;s gksxhA

7- d`I;k mijksDrkuqlkj izkFkfedrk ds vk/kkj ij vxzsRrj dk;Zokgh lqfuf’pr djsA ”

Further grievance of the petitioner is that he is qualified for the same having completed his special B.T.C. course also and he may be considered for the post of Lecturer (Chemistry) on the ad-hoc basis. In compliance of Government Order dated 5-12-2005 respondent no.2 passed the order on 16-12-2005. The same is quoted below:

" izoDrk lh/kh HkrhZ ds fjDr inksa ds lkis{k dk;Zjr f'k{kk cU/kqvksa dh izoDrk ds inksa ij rnFkZ fu;qfDr ds lEcU/k esaA egksn;]

mi;qZDr foi; 'kklu ds i= la[;k@1274@24&2@2005 fnukWd 05 fnlEcj 2005 dk lUnHkZ xzg.k djus dk dIV djsA mDr 'kklukns'k ds izkfo/kkuksa ds vuqlkj izns'k ds jktdh; b.Vj dkystksa esa izoDrk lh/kh HkrhZ ds fjDr inksa ds lkis{k dk;Zjr 555 f'k{kk cU/kqvksa dks izoDrk ds fjDr inksa ds izfr rnFkZ fu;qfDr ,d oiZ ;k yksd lsok vk;ksx ls vH;FkhZ ds miyC/k gksus rd tks Hkh igys gks dh vof/k ds fy;s dh tkuh gSA

vr% vkidks funsZf'kr fd;k tkrk gS fd vki vius e.MykUrxZr tiunokj ,oa foi;okj dk;Zjr f'k{kk cU/kqvksa dk fooj.k 'kklukns'k esa fn;s x;s izkfo/kkuksa ds rgr tkpW djus ds mijkUr izfrgLrk{kfjr dj funs'kky; dks ,d lIrkg ds vUnj miyC/k djk;sa] ftlls lEcfU/kr f'k{kk cU/kqvksa dh rnFkZ fu;qfDr ds vkns'k fuxZr djus gsrq dk;Zokgh dh tk ldsA "

Liberty is given to the petitioner to represent before the authority concerned. The respondents are directed to pass appropriate orders on the

representation of the petitioner for the ad-hoc appointment of Shiksha Bandhu in pursuance of the Government Orders dated 5-12-2005 and

16-12-2005. If such a representation is filed, the respondents are directed to consider the same within a period of 6 weeks from the filing of the certified copy of the order.

The writ petition is disposed of. No order as to costs.

(Rajesh Tondon.J)

28-02-2006.
Negi